

Exhibit E-1

“Informal, BP-8”

Response to Informal Resolution Form

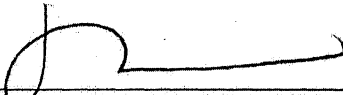
Inmate: **SCHULTE, Joshua**
Register Number: **79471-054**

This is in response to your February 21, 2019 Informal Resolution Form, in which you allege the obstructed view from your window and preclusion from outside recreation violate your constitutional rights.

Many of the windows in the institution are frosted for security reasons. You are provided access to outside light and air in your housing unit's recreation area.

If you are not satisfied with this response, you may address your grievance through the administrative remedy program.

2/28/19
Date



Unit Manager

NYM 1330.7
ATTACHMENT IMETROPOLITAN CORRECTIONAL CENTER, NEW YORK
ADMINISTRATIVE REMEDY PROCEDURE FOR INMATESINFORMAL RESOLUTION FORM (BP-8)

NOTE TO INMATE: With the exception of sensitive issues and DHO appeals, you are advised that prior to receiving and filing a Request for Administrative Remedy Form BP229(13) (old BP-9), you **MUST** attempt to informally resolve your complaint through your correctional counselor. Additionally, in accordance with P.S. 1330.13, you have the responsibility to present complaints in good faith and in an honest and straightforward manner. Before completing this form, you should make every effort to honestly attempt to informally resolve this matter verbally with staff. Briefly state ONE complaint below and list what efforts you have made to resolve your complaint informally.

Date form issued and initials of Corr. Counselor:

R. Pross 2/19/19

INMATE'S COMMENTS:

1. Complaint: Blacked out windows and ban of outside recreation violate the 8th Amendment's ban of cruel and unusual punishment. All other inmates are able to view outside — to purposefully obstruct this view for only SAMs inmates is illegal; likewise, to ban SAMs inmates from fresh air and outside recreation when all other inmates get to enjoy some activities is illegal.

2. Efforts made by you to informally resolve: On Tuesday, Nov 27th I sent a list of 35 unconstitutional issues that were reviewed by the warden. I was told the issues would be addressed, but none were.

3. Names of staff you contacted/Date you contacted the staff:

Pross, Warden, 11/27/18

Date returned to Correctional Counselor:

Schulte, Joshua 794714/54 2/21/19
Inmate's Name Register Number Date

CORRECTIONAL COUNSELOR'S COMMENTS

1. Efforts made to informally resolve and staff contacted:

See attached response

Date informally resolved:

Counselor Signature:

Date BP-229(13) Issued: 3/4/19

Unit Manager:

Pross

Exhibit E-2

“MCC, BP-9”

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY - PART B

Inmate Name: **SCHULTE, Joshua**
Reg. No. **79471-054**
Administrative Remedy Id.: **971060-F1**

This is in response to your Request for Administrative Remedy dated March 6, 2019, wherein you state Special Administrative Measures violates the 8th Amendment's cruel and unusual punishment clause as solitary confinement is worse than any torment of barbaric torture. You make no specific request for relief.

An investigation into this matter revealed that you are housed in Unit 10 South in accordance with the restriction in your Special Administrative Measures (SAM), implemented by the authority of the Attorney General pursuant to 28 C.F.R. § 501.2. In addition, you are subject to the restrictions of BOP Program Statement 5270.11, Special Housing Units, which provide SHU inmates will ordinarily be afforded the opportunity to exercise outside their quarters at least five hours a week. For security reasons, recreation room time is limited to Monday through Fridays.

As you make no specific request for relief, this response is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Regional Director, Northeast Region, Federal Bureau of Prisons, Northeast Regional Office, U.S. Customs House - 7th Floor, 2nd & Chestnut Streets, Philadelphia, PA 19106, within 20 calendar days of the date of this response.

7/24/19
Date


L. N'Diaye, Warden

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: Schulte, Joshua A 79471-054 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A- INMATE REQUEST

Blocked out windows and ban of outside recreation violate the 8th amendment's ban of cruel and unusual punishment. All other inmates are able to view outside — to purposefully obstruct this view for ONLY SAMs inmates is illegal; "Security" concerns is vague and unsatisfactory since no unit at MCC blocks out the windows and the "Security" issue is not explained. Likewise, to ban SAMs inmates from fresh air and outside recreation when all other inmates get to enjoy fresh air and movement is arbitrary, cruel, and unusual.

3/6/19

DATE

J. Schulte
 SIGNATURE OF REQUESTER

Part B- RESPONSE

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: _____

Part C- RECEIPT

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)



Exhibit E-3

“Regional, NE”

U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Schultes Joshua A 79471054 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Normal windows with unobstructed view and outside recreation: I did not receive a response to my BP-9 filed on 3/6/19 and it has now exceeded the 20-day time limitation. Blacked out windows and ban of outside recreation violate the 5th amendment's due process clause and the 8th amendment's ban of cruel and unusual punishment. All other inmates at the institution are able to view outside — to purposefully obstruct this view for all pretrial SHMs inmates is impermissible punishment without due process; likewise to ban pretrial inmates on same from fresh air and outside recreation when all other inmates get to enjoy outside activities is impermissible punishment without due process. Both — obstructed outside views and ban of outside fresh air are cruel and unusual punishment and also completely unnecessary — there is absolutely NO legitimate reason to deny these things except to inflict torture.

4/3/19
 DATE

Paul Schulte
 SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL




Exhibit E-4

“Central Office”

REJECTION NOTICE - ADMINISTRATIVE REMEDY

DATE: MAY 31, 2019


FROM: ADMINISTRATIVE REMEDY COORDINATOR
CENTRAL OFFICE

TO : JOSHUA ADAM SCHULTE, 79471-054
NEW YORK MCC UNT: 9 QTR: Z07-304LAD
150 PARK ROW
NEW YORK, NY 10007


FOR THE REASONS LISTED BELOW, THIS CENTRAL OFFICE APPEAL
IS BEING REJECTED AND RETURNED TO YOU. YOU SHOULD INCLUDE A COPY
OF THIS NOTICE WITH ANY FUTURE CORRESPONDENCE REGARDING THE REJECTION.

REMEDY ID : 979385-A1 CENTRAL OFFICE APPEAL
DATE RECEIVED : MAY 13, 2019
SUBJECT 1 : SAFETY, SANITATION, ENVIRONMENTAL CONDITIONS
SUBJECT 2 : COMMUNICATION MANAGEMENT UNIT
INCIDENT RPT NO:

REJECT REASON 1: YOU SUBMITTED YOUR REQUEST OR APPEAL TO THE
WRONG LEVEL. YOU SHOULD HAVE FILED AT THE
INSTITUTION, ~~REGIONAL OFFICE~~
OFFICE LEVEL.

REJECT REASON 2: ALL FOUR PAGES OF YOUR (BP-9) (BP-10) (BP-11) FORM MUST BE
LEGIBLE AND WORDED THE SAME. PHOTOCOPIES OF THE FORM WILL
NOT BE ACCEPTED.

REJECT REASON 3: SEE REMARKS.

REMARKS : NO RECORD OF YOUR APPEALING THIS FIRST AT
INSTITUTIONAL LEVEL ACCORDING TO SENTRY. WARDEN MUST
ADDRESS YOUR CONCERN FIRST


ATTENTION: ~~NO~~ BALLPOINT PEN

AS A SAMS INMATE HELD IN
SOLITARY CONFINEMENT, I HAVE
NO ACCESS TO A BALLPOINT
PEN OR PHOTOCOPIER

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ballpoint pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: Schulte, Joshua A 79471054 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Normal windows with unobstructed view and outside recreation: The regional office received my BP-10 on 4/12/19, and denied it without any reason or attachment. Blocked out windows and ban of outside recreation violate the 5th amendment's due process clause and the 8th amendment's ban of cruel and unusual punishment. All other inmates at the institution are able to view outside — to purposefully obstruct this view for all pretrial SAMs inmates is impermissible punishment without due process; likewise to ban pretrial inmates on SAMs from fresh air and outside recreation when all other inmates get to enjoy outside activities is impermissible punishment without due process. Both — obstructed outside views and ban of outside fresh air are cruel and unusual punishment and also completely unnecessary — Here is absolutely no legitimate reason to deny these things except to inflict torture.

5/6/19

DATE

Paul Schulte
 SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

MAY 18 2019

Administrative Remedy Unit
 Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

979385-A1

Part C - RECEIPT

CASE NUMBER:

Return to:

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT:

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL



U.S. Department of Justice

Regional Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-229(13) including any attachments must be submitted with this appeal.

From: Sylvester, Joshua A 79471854 105 MCC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL

Normal individuals with unrestricted view and outside recreation. I did not receive a response to my BP-9 filed on 3/6/19 and it has now exceeded the 20-day time limitation. Blocked out of yard and ban of outside recreation violate the 5th amendment due process clause and the 14th amendment ban of cruel and unusual punishment. All other inmates at the institution are able to view outside — to purposefully obstruct this view for all prisoners is impermissible punishment without due process; likewise, to ban prisoner inmates of some from fresh air and outside recreation when all other inmates get to enjoy outside activities is impermissible punishment without due process. Both — obstructed outside views and ban of outside fresh air are cruel and unusual punishment and also completely unnecessary — there is absolutely NO legitimate reason to deny these things except to inflict torture.

4/3/19
 DATE

Paul Lohrte
 SIGNATURE OF REQUESTER

Part B - RESPONSE

DATE RECEIVED
 FEDERAL BUREAU OF PRISONS
 REGIONAL COUNSEL OFFICE
 APR 12 2019
 NERO-PHILADELPHIA

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

FIRST COPY: REGIONAL FILE COPY

CASE NUMBER: _____

Part C - RECEIPT

CASE NUMBER: _____

Return to: _____
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, RECIPIENT OF REGIONAL APPEAL